

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JERAL PEOPLES,

Plaintiff,

v.

CITY OF DETROIT, et. al.,

Defendant(s),

CASE NO. 09-CV-12464

JUDGE MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

ORDER DENYING MOTION FOR PARTIAL SUMMARY JUDGMENT AS MOOT

Pending before the Court is Plaintiff's "Motion for Partial Summary Judgment," filed April 22, 2010. (Dkt. # 14.) For the reasons stated, the motion is denied as moot.

On July 9, 2009, the Court denied Plaintiff leave to proceed *in forma pauperis* and dismissed his civil rights complaint without prejudice pursuant to 28 U.S.C. § 1915(g), because he was a three striker. (Dkt. # 3.) Subsequently, on August 17, 2009, Plaintiff filed an appeal from that decision with the United States Court of Appeals for the Sixth Circuit. The case was docketed in the Sixth Circuit as case number 09-2057. The case is presently pending.

The document before this Court is captioned "United States District Court Western District" and has the Sixth Circuit's case number 09-2057 in the caption. After a careful review of the document submitted, it appears that the document was originally sent to the Sixth Circuit and the Sixth Circuit sent it back to this Court. See *People v. Detroit*, No. 09-2057 (6th Cir.), Docket Entry 4/14/2010. When the document was received in this Court, the Clerk docketed it under case number 09-12464, which is the case number of the civil rights complaint that this Court summarily dismissed

on the basis that Plaintiff was a three striker. Therefore, this document is not properly before the Court. This case is closed.

Accordingly, **IT IS ORDERED** that Plaintiff's "Motion for Partial Summary Judgment" [dkt.# 14] is **DENIED** as moot.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: April 30, 2010

CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of this Order was served upon all parties of record via ordinary U.S. Mail and/or electronic filing.

s/Bernadette M. Thebolt

Case Manager